

**KEN THERRIEN**  
**413 NORTH SECOND STREET**  
**YAKIMA, WA 98901**  
**(509) 457-5991**

Attorney for Defendant

**GERARD MADEROS LORETO**

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF WASHINGTON**  
**(Honorable Salvador Mendoza Jr.)**

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

GERRADO MADEROS LORETO,  
Defendant.

) NO. CR-16-2047-SMJ-1

) MOTION AND MEMORANDUM IN  
) SUPPORT MOTION TO DISCLOSE  
) ALL BENEFITS OF  
) INFORMANTS/COOPERATING CO-  
) DEFENDANTS/WITNESSESS

) December 14, 2016 @ 11:00 a.m.

) Yakima, WA  
)

TO: Clerk of the Court;  
TO: Thomas Hanlon, Assistant United States Attorney.

Comes now, the Defendant, GERARDO MADEROS LORETO, and moves the  
Court for an order granting the following motion:

**INTRODUCTION**

During the course of the underlying investigation, the investigating agents/law  
enforcement relied heavily upon the use of confidential informants/cooperating co-  
MOTION AND MEMORANDUM IN SUPPORT OF MOTION TO DISCLOSE  
INFORMAT BENEFITS

1 defendants or cooperating witnesses. It has also come to the defendant's attention that  
2 several co-defendants have either agreed to or are in the process of agreeing to  
3 cooperating. Accordingly, the defense seeks to obtain all information concerning each  
4 and every benefit each informant/cooperating co-defendants or cooperating witnesses  
5 has received, or is expected to receive directly and/or indirectly from the Government.  
6  
7 This entails both the instant investigation, previous investigations, and possible future  
8 investigations.  
9  
10  
11

## 12 **ARGUMENT**

13  
14 The defense respectfully requests that this court order the Government to disclose  
15 ALL benefits even being considered for the informant(s)/ cooperating co-defendants or  
16 cooperating witnesses who are cooperating in the investigation of this case. Although  
17 the defendant understands that there may be no "specific promises" made to any witness,  
18 the defendant seeks full disclosure of any proposed recommendations for  
19 payment/benefits the Government is considering making at any time in the future. This  
20 information is discoverable pursuant to FRCrP 16 as well as Brady v. Maryland. In  
21 particular, the defendant seeks the following:  
22  
23  
24  
25  
26

27 1. The exact nature of any plea bargain agreements the Government has with  
28 any witness, which the plaintiff intends to call, including a copy of the agreement if  
29 written. This request includes, but is not limited to:  
30  
31

- 1 a) Any agreements dismissing charges against the witness;  
2 b) Any agreements providing leniency for the witness;  
3 c) Any agreements affecting the sentence of any witness;  
4 d) Any agreements concerning the place of incarceration or detention;  
5 e) Any and all agreements not to bring any other criminal charges in this  
6 jurisdiction, state or federal;  
7  
8  
9  
10 f) Any and all compensation given directly or indirectly to the  
11 witnesses; and  
12

13 2. The nature of any and all grants of immunity given to any witness, including  
14 a copy of the grant if written, and a statement:  
15

- 16 a) Whether such immunity is state or federal;  
17 b) In what jurisdiction the immunity was conferred;  
18 c) The extent of each and every immunity agreement; and  
19  
20

21 3. The criminal and juvenile record(s) of any witness/informant, which the  
22 Government intends to call for the trial in this case;  
23

24 4. Evidence indicating that the accused distributed controlled substances as an  
25 accommodation and/or that the accused possessed controlled substances for personal use  
26 and not necessarily for profit or other personal gain.  
27  
28

29 5. Finally, that any Order by the Court include information concerning the  
30 confidential informants from other parts of the country where that individual has  
31

1 previously worked with the Government, including, but not limited to, working with the  
2 FBI/DEA and ATF.  
3

## 4 CONCLUSION

5  
6 The defendant respectfully requests that this Court order the Government to  
7  
8 produce all benefits received, expected to be given, or even considered in this case, as  
9  
10 well as all benefits received, or considered in other cases that the informant/ cooperating  
11  
12 co-defendants or cooperating witnesses has worked with the Government. The defense,  
13  
14 at a minimum, should be entitled to a copy of all agreements entered into between the  
15  
16 Government and the informant(s)/cooperating co-defendants or cooperating witnesses.

17 DATED this 14<sup>th</sup> day of November, 2016.  
18  
19  
20  
21

22 s/ Ken Therrien  
23 Ken Therrien WSBA #20291  
24 Attorney for Gerardo Maderos Loretos  
25 413 North Second Street  
26 Yakima, WA 98901  
27 (509) 457-5991  
28 Fax: (509) 457-6197  
29 [kentherrien@msn.com](mailto:kentherrien@msn.com)  
30  
31

1  
2  
3 **CERTIFICATE OF SERVICE**  
4

5 I hereby certify under penalty of perjury of the laws of the State of Washington that on  
6  
7 November 14, 2016, I electronically filed the foregoing with the Clerk of the Court using the  
8  
9 CM/ECF System which will send notification of such filing to the following:

- 10  
11 • **Thomas Hanlon**, Assistant United States Attorney  
12

13 *s/ Ken Therrien*  
14 KEN THERRIEN, WSBA #20291  
15 Attorney for Gerardo Maderos Loreto  
16 413 North Second Street  
17 Yakima, WA 98901  
18 (509) 457-5991  
19 Fax: (509) 457-6197  
20 [kentherrien@msn.com](mailto:kentherrien@msn.com)  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31